

# CONSUMER PRODUCT SAFETY

## *Hazardous Toys*

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) regulates the sale of hazardous toys and children's articles. Wisconsin Statutes section 100.37 applies to:

- Toys and children's articles that are toxic, corrosive, irritants, strong sensitizers, flammable, combustible or pressure-generating, if those articles could cause substantial personal injury or substantial illness as a result of customary or reasonably foreseeable use.
- Toys and children's articles that pose an electrical, mechanical, choking or thermal hazard.

## **Federal Standards**

Toys and other children's articles must comply with federal standards adopted by the [U.S. Consumer Product Safety Commission](#). The Commission has adopted safety and labeling standards for many toys and children's articles.

## **State Rules**

DATCP has also adopted state safety standards. These rules are found in Wisconsin Administrative Code chapter ATCP 139. The rules:

- Identify toys and children's articles that require safety labeling.
- Ban certain toys and children's articles.

## **Compliance Actions**

DATCP may take action against hazardous toys and children's articles. DATCP may:

- Require safety labeling.
- Ban a toy or children's article, if it poses a serious hazard that cannot be adequately addressed by labeling.
- Issue a holding order to prevent the sale of a suspect toy or children's article, pending further evaluation. A holding order remains in effect for 14 days.

- Prosecute law violations. DATCP may:
  - Seek a court injunction under Wisconsin Statutes section 100.37(4).
  - Ask a district attorney to initiate a criminal prosecution. There is a criminal penalty of \$5,000 or one year in jail, or both, under Wisconsin Statutes section 100.37(8).
  - Prosecute rule violations as unfair business practices, in appropriate cases. Since ATP 139 is adopted under authority of Wisconsin Statutes section 100.20(2), as well as 100.37, DATCP may prosecute rule violations under Wisconsin Statutes sections 100.20(6), 100.26(3) or 100.26(6).